

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the
Accusation Against:

Murray Zane, M.D.
Certificate # G007668

Respondent.

No. D-3491

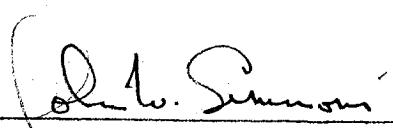
DECISION

The attached Stipulation is hereby adopted by the
Division of Medical Quality of the Board of Medical Quality
Assurance as its Decision in the above-entitled matter.

This Decision shall become effective on _____
August 10, 1987

IT IS SO ORDERED _____ July 10, 1987

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE



JOHN W. SIMMONS
Secretary-Treasurer

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California

2 MICHAEL R. GRANEN

Deputy Attorney General

3 3580 Wilshire Blvd.
Los Angeles, CA 90010

4 Telephone: (213) 736-2068

5 Attorneys for Complainant

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7
8 BEFORE THE
9 DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
10 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation)
12 Against:)

NO. D-3491

13 MURRAY ZANE, M.D.)

14 P.O. Box 845)

15 La Habra, CA 90633-0845)

STIPULATION FOR
SETTLEMENT AND DECISION
OF THE BOARD

16 Physician's and Surgeon's)
17 Certificate No. G007668,)

18 Respondent.)
19)

20 IT IS HEREBY STIPULATED by and between respondent
21 Murray Zane, M.D. (hereinafter "respondent"), by and through
22 his attorney Robert H. Gans, and complainant Kenneth J.
23 Wagstaff, Executive Director of the Board of Medical Quality
24 Assurance of the State of California (hereinafter "board"), by
25 and through his attorney, John K. Van De Kamp, Attorney General
26 of the State of California, by and through Michael R. Granen,
27 Deputy Attorney General, as follows:

1 1. The board has jurisdiction on this matter by
2 reason of service on and receipt by respondent of the
3 accusation, statement to respondent, request for discovery,
4 form notice of defense and copies of Government Code
5 sections 11507.5, 11507.6, and 11507.7 as provided for by
6 sections 11503 and 11505 of the Government Code; and respondent
7 having filed a notice of defense within the time allowed by
8 section 11506 of the Government Code.

9 2. Respondent hereby stipulates to and admits to the
10 allegations as set forth in the accusation, a copy of which is
11 attached hereto and incorporated by reference, as follows:

12 A. Kenneth J. Wagstaff is the Executive Director of
13 the Board of Medical Quality Assurance of the State of
14 California (hereinafter "board") and brings this accusation
15 solely in his official capacity.

16 B. On or about June 15, 1962, respondent Murray Zane,
17 M.D., was issued physician's and surgeon's certificate
18 No. G007668 by the board. Said certificate was at all
19 times mentioned herein in full force and effect.

20 JURISDICTION

21 C. Pursuant to section 2004 of the Business and
22 Professions Code (hereinafter, the "Code"), the Division of
23 Medical Quality of the Board of Medical Quality Assurance
24 is charged with the responsibility of enforcing the
25 disciplinary provisions of the California Medical Practice
26 Act.

27 /

1 D. Pursuant to section 2234 of the Code, the Division
2 of Medical Quality shall take action against any holder of
3 a physician's and surgeon's certificate licensee who is
4 guilty of unprofessional conduct.

5 E. Section 2234, subdivision (e) of the Code,
6 provides that unprofessional conduct includes the
7 commission of any act involving dishonesty or corruption
8 which is substantially related to the qualifications,
9 functions, or duties of a physician and surgeon.

10 F. Section 2236, subdivisions (a), (b) and (c) of the
11 Code, provides as follows:

12 "(a) The conviction of any offense,
13 substantially related to the qualifications,
14 functions, or duties of a physician and surgeon
15 constitutes unprofessional conduct within the meaning
16 of this chapter. The record of conviction shall be
17 conclusive evidence only of the fact that the
18 conviction occurred.

19 "(b) The division may inquire into the
20 circumstances surrounding the commission of the crime
21 in order to fix the degree of discipline or to
22 determine if such conviction is of an offense
23 substantially related to the qualifications,
24 functions, or duties of a physician and surgeon. A
25 plea or verdict of guilty or a conviction following a
26 plea of nolo contendere made to a charge substantially
27 related to the qualifications, functions, or duties of

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a physician is deemed to be a conviction within the meaning of this section.

"(c) Discipline may be ordered in accordance with section 2227, . . . when the time for appeal has elapsed, or the judgment has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment."

G. Section 490 of Code provides that a board within the Department of Consumer Affairs may suspend or revoke a license on the ground that a licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

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FIRST CAUSE OF ACTION

(Conviction of Substantially Related Crimes)

H. The respondent's certificate as a physician and surgeon is subject to disciplinary action pursuant to sections 2236, subdivision (a), and 490 of the Code in that he has been convicted of a crime which is substantially related to the qualifications, functions and duties of the profession of medicine, to wit:

(1) On or about February 19, 1985, before the Superior Court of the State of California for the County of Los Angeles, in a proceedings entitled, "People of the State of California v. Murray F. Zane," Case No. A344722, upon his plea of guilty, to Counts I and II of the information, the respondent was convicted of grand theft in violation of Penal Code section 487.1 (Count I) and presenting false Medi-Cal claims in violation of Welfare and Institutions Code section 14107 (Count II). The circumstances of the crime are as follows:

COUNT I

"That the said Murray F. Zane, on or about and between July 1, 1979, and September 30, 1980, at and in the County of Los Angeles, State of California, did willfully, unlawfully and feloniously take the money and personal property of another, of a value exceeding two hundred dollars (\$200.00), to wit, the property of Blue

1 Shield of California and the State of California, by
2 accepting payment for claim he knowingly submitted
3 and caused to be submitted to the Medi-Cal program
4 for psychiatric services which were not performed."

5 COUNT II

6 "That the said Murray F. Zane on or about the
7 27th day of September, 1979, at and in the County of
8 Los Angeles, State of California did willfully,
9 unlawfully and with intent to defraud present to Blue
10 Shield of California and the State of California for
11 allowance or payment a false or fraudulent Medi-Cal
12 claim for furnishing services or merchandise; and

13 "That this court pertains to Medi-Cal recipient
14 R. A. and Claim Number ."

15 (2) On or about February 19, 1985, respondent was
16 sentenced on Counts I and II to imprisonment in state
17 prison for a term of three years, sentence suspended, and
18 probation granted for a period of five years on condition
19 that he first spend one year in county jail, pay a fine of
20 \$2,500, make restitution, perform 1000 hours of community
21 service and not participate in the Medi-Cal program, and
22 obey all laws, orders, rules and regulations of the
23 probation department and the court.

24 SECOND CAUSE OF ACTION

25 (Commission of Acts Involving Dishonesty or Corruption)

26 I. By reason of the foregoing facts, the respondent
27 has subjected his certificate to disciplinary action
28

1 pursuant to section 2234, subdivision (e) of the Code in
2 that he has committed acts involving dishonesty or
3 corruption which are substantially related to the
4 qualifications, functions, or duties of a physician and
5 surgeon.

6 DISCIPLINE IMPOSED

7 3. Discipline shall be imposed upon respondent as
8 follows:

9 A. Physician's and surgeon's certificate No.
10 G007668 issued to respondent Murray Zane, M.D. is revoked;
11 revocation stayed and respondent is placed in five years'
12 probation under the following terms and conditions:

13 (1) Physician's and surgeon's certificate No.
14 G007668 issued to respondent Murray Zane, M.D., is
15 actually suspended for a period of ninety (90) days.
16 This suspension shall be effective on the effective
17 date of the board's decision;

18 (2) Respondent shall complete sixteen (16)
19 hours per month of community service work for each
20 month of the five years of respondent's probation;
21 respondent shall submit a plan to the board for
22 community service

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1 work in accordance with the above probation
2 condition. The board shall have the authority to
3 approve, disapprove, modify, or otherwise designate
4 the community service work to be performed by
5 respondent;

6 (3) Respondent shall take and complete a course
7 in Medical Ethics. Within 60 days of the effective
8 date of this decision, respondent shall select and
9 submit a course to the Division for its prior approval;

10 (4) Respondent shall obey all federal, state and
11 local laws, and all rules governing the practice of
12 medicine in California;

13 (5) Respondent shall submit quarterly
14 declarations under penalty of perjury on forms
15 provided by the Division, stating whether there has
16 been compliance with all the conditions of probation;

17 (6) Respondent shall comply with the Division's
18 probation surveillance program;

19 (7) Respondent shall appear in person for
20 interviews with the Division's medical consultant upon
21 request at various intervals and with reasonable
22 notice;

23 (8) The period of probation shall not run during
24 the time respondent is residing or practicing outside
25 the jurisdiction of California. If, during probation,
26 respondent moves out of the jurisdiction of California
27 to reside or practice elsewhere, respondent is

1 required to immediately notify the Division in writing
2 of the date of departure, and the date of return, if
3 any.


4 (9) Upon successful completion of probation,
5 respondent's certificate will be fully restored.

6 (10) If respondent violates probation in any
7 respect, the Division, after giving respondent notice
8 and the opportunity to be heard, may revoke probation
9 and carry out the disciplinary order that was stayed.
10 If an accusation or petition to revoke probation is
11 filed against respondent during probation, the
12 Division shall have continuing jurisdiction until the
13 matter is final, and the period of probation shall be
14 extended until the matter is final.

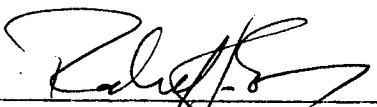
15 4. This stipulation is subject to approval by the
16 board. If this stipulation is not adopted by the board as its
17 decision in this matter, it shall have no force or effect.

18 JOHN K. VAN DE KAMP, Attorney General
19 of the State of California

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21 Dated: 5/12/87

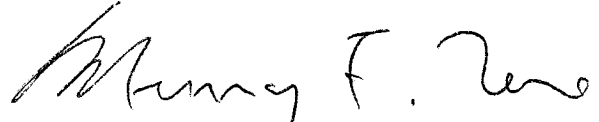

MICHAEL R. GRANEN
Deputy Attorney General
Attorneys for Complainant

22
23
24
25 Dated: 5/1/87


ROBERT H. GANS
Attorney for Respondent
3660 Wilshire Blvd., Suite 616
Los Angeles, CA 90010

1 I HAVE READ THE ABOVE STIPULATION AND HAVE DISCUSSED
2 IT WITH MY COUNSEL AND ITS TERMS ARE UNDERSTOOD BY ME AND ARE
3 AGREEABLE AND ACCEPTABLE TO ME. I UNDERSTAND THAT I AM WAIVING
4 CERTAIN RIGHTS ACCORDED TO ME BY THE ADMINISTRATIVE PROCEDURE
5 ACT AND I WILLINGLY AND INTELLIGENTLY AND VOLUNTARILY WAIVE
6 THOSE RIGHTS.

7
8 Dated: 5-1-87



MURRAY ZANE, M.D.
Respondent

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 MICHAEL R. GRANEN
Deputy Attorney General
3 3580 Wilshire Blvd.
Los Angeles, CA 90010
4 Telephone: (213) 736-2068

5 Attorneys for Complainant

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8 BEFORE THE
DIVISION OF MEDICAL QUALITY
9 BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation) NO. D-3491
12 Against:)
13)
14 MURRAY ZANE, M.D.) ACCUSATION
Box 1606)
15 16131 Whittier Boulevard)
Whittier, CA 90609)
16 Physician's and Surgeon's)
Certificate No. G007668,)
17 Respondent.)
18)

19 Complainant, Kenneth J. Wagstaff, alleges as follows:

20 PARTIES

21 1. He is the Executive Director of the Board of
22 Medical Quality Assurance of the State of California
23 (hereinafter "board") and brings this accusation solely in his
24 official capacity.

25 2. On or about June 15, 1962, respondent Murray Zane,
26 M.D., was issued physician's and surgeon's certificate
27 No. G007668 by the board. Said certificate was at all times

1 mentioned herein in full force and effect.

2 JURISDICTION

3 3. Pursuant to section 2004 of the Business and
4 Professions Code (hereinafter, the "Code"), the Division of
5 Medical Quality of the Board of Medical Quality Assurance is
6 charged with the responsibility of enforcing the disciplinary
7 provisions of the California Medical Practice Act.

8 4. Pursuant to section 2234 of the Code, the Division
9 of Medical Quality shall take action against any holder of a
10 physician's and surgeon's certificate licensee who is guilty of
11 unprofessional conduct.

12 5. Section 2234, subdivision (e) of the Code,
13 provides that unprofessional conduct includes the commission of
14 any act involving dishonesty or corruption which is
15 substantially related to the qualifications, functions, or
16 duties of a physician and surgeon.

17 6. Section 2236, subdivisions (a), (b) and (c) of the
18 Code, provides as follows:

19 "(a) The conviction of any offense, substantially
20 related to the qualifications, functions, or duties of a
21 physician and surgeon constitutes unprofessional conduct
22 within the meaning of this chapter. The record of
23 conviction shall be conclusive evidence only of the fact
24 that the conviction occurred.

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2.

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1 "(b) The division may inquire into the circumstances
2 surrounding the commission of the crime in order to fix the
3 degree of discipline or to determine if such conviction is
4 of an offense substantially related to the qualifications,
5 functions, or duties of a physician and surgeon. A plea or
6 verdict of guilty or a conviction following a plea of nolo
7 contendere made to a charge substantially related to the
8 qualifications, functions, or duties of a physician is
9 deemed to be a conviction within the meaning of this
10 section.

11 "(c) Discipline may be ordered in accordance with
12 section 2227, . . . when the time for appeal has elapsed,
13 or the judgment has been affirmed on appeal or when an
14 order granting probation is made suspending the imposition
15 of sentence, irrespective of a subsequent order under the
16 provisions of section 1203.4 of the Penal Code allowing
17 such person to withdraw his plea of guilty and to enter a
18 plea of not guilty, or setting aside the verdict of guilty,
19 or dismissing the accusation, information or indictment."

20 7. Section 490 of Code provides that a board within
21 the Department of Consumer Affairs may suspend or revoke a
22 license on the ground that a licensee has been convicted of a
23 crime, if the crime is substantially related to the
24 qualifications, functions, or duties of the business or
25 profession for which the license was issued.

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1 FIRST CAUSE OF ACTION

2 (Conviction of Substantially Related Crimes)

3 8. The respondent's certificate as a physician and
4 surgeon is subject to disciplinary action pursuant to
5 sections 2236, subdivision (a), and 490 of the Code in that he
6 has been convicted of a crime which is substantially related to
7 the qualifications, functions and duties of the profession of
8 medicine, to wit:

9 A. On or about February 19, 1985, before the
10 Superior Court of the State of California for the County of
11 Los Angeles, in a proceedings entitled, "People of the
12 State of California v. Murray F. Zane," Case No. A344722,
13 upon his plea of guilty, to Counts I and II of the
14 information, the respondent was convicted of grand theft in
15 violation of Penal Code section 487.1 (Count I) and
16 presenting false Medi-Cal claims in violation of Welfare
17 and Institutions Code section 14107 (Count II). The
18 circumstances of the crime are as follows:

19 COUNT I

20 "That the said Murray F. Zane, on or about and
21 between July 1, 1979, and September 30, 1980, at and
22 in the County of Los Angeles, State of California, did
23 willfully, unlawfully and feloniously take the money
24 and personal property of another, of a value exceeding
25 two hundred dollars (\$200.00), to wit, the property of
26 Blue Shield of California and the State of California,
27 by accepting payment for claim he knowingly submitted

1 and caused to be submitted to the Medi-Cal program for
2 psychiatric services which were not performed."

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4 COUNT II

5 "That the said Murray F. Zane on or about the
6 27th day of September 1979, at and in the County of
7 Los Angeles, State of California, did willfully,
8 unlawfully and with intent to defraud present to Blue
9 Shield of California and the State of California for
10 allowance or payment a false or fraudulent Medi-Cal
11 claim for furnishing services or merchandise; and

12 "That this count pertains to Medi-Cal recipient
13 R. A. and Claim Number ."

14 B. On or about February 19, 1985, respondent was
15 sentenced on Counts I and II to imprisonment in state
16 prison for a term of three years, sentence suspended, and
17 probation granted for a period of five years on condition
18 that he first spend one year in county jail, pay a fine of
19 \$2,500, make restitution, and obey all laws, orders, rules
20 and regulations of the probation department and the court.
21 On December 16, 1985, respondent was granted a stay of
22 execution of sentence on further condition that he perform
23 100 hours of community service and not participate in the
24 Medi-Cal program.

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SECOND CAUSE OF ACTION

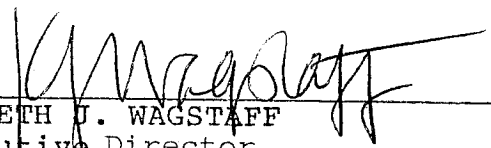
(Commission of Acts Involving Dishonesty or Corruption)

9. By reason of the foregoing facts, the respondent has subjected his certificate to disciplinary action pursuant to section 2234, subdivision (e) of the Code in that he has committed acts involving dishonesty or corruption which are substantially related to the qualifications, functions, or duties of a physician and surgeon.

PRAYER

WHEREFORE, the complainant prays that the Division of Medical Quality of the Board of Medical Quality Assurance hold a hearing on the matters alleged and, following that hearing, take such disciplinary action against the respondent as is provided for in section 2227 of the Code, and take such other and further action as may be proper.

Dated: April 28, 1986


KENNETH J. WAGSTAFF
Executive Director
Board of Medical Quality Assurance
State of California

Complainant